

Clerk of the Court  
Federal Courthouse  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007

Mr. Jose Nieves-Herrera  
# 86250-054 Antaeus  
Federal Medical Center  
Post Office Box 14500  
Lexington, KY 40512

CASE NO.: 18-CR-776 (CS)

REQUEST FOR EXPANSION OF TIME  
TO REPLY TO THE GOVERNMENT'S SUPPLEMENTAL RESPONSE  
Dear Clerk of the Court,

Please find attached my Motion for EXPANSION OF TIME.

Please send me a docketed copy of said motion and a copy of my updated Docket sheet, showing all docketed items against my case. This will suffice as my acknowledgement of receipt so that I can seal service.

By electronically filing this, once scanned, into the Court's ECF system, and cause this to be automatically sent electronically to the District Attorney's office, Satisfying Service under Rule 5.

Respectfully submitted,

9-20-2020

DATE

Mr. Jose Nieves-Herrera  
# 86250-054

It appears that Mr. Nieves-Herrera has not gotten a copy of my 8/27/20 text order denying his motion for reconsideration. Because the Court has ruled, a reply at this point would be superfluous. But if Mr. Nieves-Herrera has new information, not available at the time of his original motion or the motion for reconsideration, he may file a new motion. The Clerk shall send Mr. Nieves-Herrera copy of the docket sheet and this endorsement.

SO ORDERED.

Cathy Seibel

CATHY SEIBEL, U.S.D.J.

9/24/20

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	)	
PLAINTIFF,	)	
	)	CASE: 18-CR-776 (CS)
	)	
v.	)	
	)	Judge Cathy Seibel
Mr. Jose Nieves-Herrera	)	Pro Se MOTION FOR EXPANSION
Defendant, Petitioner	)	OF TIME TO REPLY TO GOVERNMENT
	)	

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REQUEST FOR EXPANSION OF TIME TO FILE REPLY TO  
GOVERNMENT'S SUPPLEMENTAL RESPONSE  
DENYING PETITIONER'S COMPASSIONATE RELEASE

Here comes Petitioner, Mr. Jose Nieves-Herrera, requesting an Expansion of Time to reply to the Government's Supplemental Response.

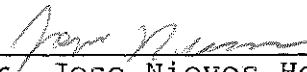
Petitioner requests expansion in time for the following reasons:

- 1) Petitioner was made aware of "NEW" medical records when the Government submitted under seal, the medical records of this petitioner.
- 2) "NEW" medical records were made available to the Petitioner at about this same time, when he initiated a request to medical records for same in July, 2020.
- 3) Petitioner submitted the blood findings with his "Supplemental Memorandum" on August 10, 2020 when he received those records for the first time. These records were "discovered" for the first time in late July by Petitioner, as such they are "NEWLY DISCOVERED" by Petitioner.
- 4) Prosecution/Government supplied these records to the Court before Petitioner had the chance to even know about their existence.
- 5) Prosecution withheld the Liver Disease Lab test results from March 16, 2020, from the Defense Petitioner, thus prejudicing the Petitioner.

- 6) Government opposes the Petitioner using evidence submitted by the prosecution in opposing his motion for compassionate release.
- 7) Petitioner is Pro Se, in a prison during COVID-19 lockdown.
- 8) Petitioner does not have full access, has but very limited access to both typewrite and legal research during lockdown.
- 9) Petitioner has very limited access to United States Postal Service and all incoming mail is grossly delayed.
- 10) Petitioner did not receive the Government's Supplemental Response dated August 27, 2020, until mid September, and it was not handed to him until two weeks later (14 day quarantine?).
- 11) Petitioner has received new information, since August submission that will clarify the risks he is under here in the prison, and further refutes government's claims.
- 12) Petitioner has been diligent in his research, but lacks actual law library access to supply cases in support of his health care needs and has just received an updated copy of the CDC guidance.
- 13) Petitioner's request, in the interest of justice, and in support of his 5th amendment rights to be heard, requests four more weeks to craft his reply and properly format it for this court. This work requires help from other inmates.
- 14) Petitioner claims that his case will be prejudiced without a chance to make a proper reply. In order to do so he will need additional time.

Respectfully Submitted,

Date: 9-20-2020

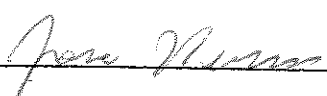
  
Mr. Jose Nieves-Herrera  
# 86250-054

C E R T I F I C A T E   O F   S E R V I C E

I, Mr. JOSE NIEVES-HERRERA , hereby declare and affirm under penalty of perjury and in accordance with 28 U.S.C.S. §1746 that the foregoing is a true and accurate document to the best of my understanding and knowledge; a true copy of which has been submitted to the Court for filing and service upon the office of the United States Attorney if and where necessary, once scanned and entered into the Court's Electronic Document Filing system, satisfies Rule 5.

This Document was placed in the Prison Legal Mail Room, for posting in the United States Mail, given to Prison Officials, on the date signed below. Prepaid United States Postage was affixed and proper address and label was affixed as required by FBOP Institutional Policies.

This document is properly mailed and filed according to the Prison Mailbox Rule. (See Houston v. Lack, 487 US 101 (1988))

  
Mr. Jose Nieves-Herrera

# 86250-054  
Federal Medical Center  
Post Office Box 14500  
Lexington, KY 40512

9-20-2020  
DATE OF MAILING

Mr. Jose Nieves-Herrera  
# 86250-054 Antaeus  
Federal Medical Center  
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Lexington, KY 40512

LEXINGTON KY 405  
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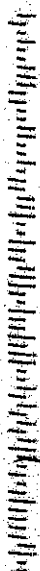
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U.S. DISTRICT COURT  
S.D.N.Y.

10007-131699



Criminal  
KY

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